



An
Bord
Pleanála

Board Order 15.RL.3575

Planning and Development Acts 2000 to 2017

Planning Authority: Louth County Council

Planning Register Reference Number: S5/2017/6

WHEREAS a question has arisen as to whether the placing of information signage (stickers/vinyls) relating to Eircom Limited, trading as *eir*, on an existing Eircom telecommunications cabinet approximately 50 metres north-west of “The Valley Inn” (off R132), Mullary Manor, Dunleer, County Louth is or is not exempted development:

AND WHEREAS Eircom Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin requested a declaration on this question from Louth County Council and the Council issued a declaration on the 6th day of April, 2017 stating that the matter is development and is exempted development:

AND WHEREAS Eircom Limited care of Declan Brassil and Company Limited referred the declaration for review to An Bord Pleanála on the 24th day of April, 2017:

AND WHEREAS, having regard to the nature of the issues raised in the referral, and the documentation submitted, An Bord Pleanála has decided to reword the question as follows:

“Whether the placing of information signage (stickers/vinyls) relating to Eircom Ltd., trading as *eir*, on an existing Eircom telecommunications cabinet approx. 50 metres northwest of “The Valley Inn” (off R132), Mullary Manor, Dunleer, County Louth is or is not development and is or is not exempted development.”

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) the definitions of “advertisement” and “statutory undertaker” as set out in Section 2(1) of the Planning and Development Act, 2000, as amended,
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (d) Class 12 of Part 2 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and
- (e) the documentation on file and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the placing of the information signage (stickers/vinyls) on an existing Eircom telecommunications cabinet constitutes an advertisement within the meaning of Section 2(1) of the Planning and Development Act, which would result in the structure becoming used for the exhibition of an advertisement, and the use of the land would, therefore, materially change, and constitute development, in accordance with section 3(2)(a) of the Planning and Development Act 2000, as amended.
- (b) the placing of the information signage (stickers/vinyls), as shown on submitted documentation, on an existing Eircom telecommunications cabinet by a statutory undertaker comes within the scope of Class 12 of Part 2 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and is therefore exempted development.
- (c) none of the restrictions on exemption, as set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this particular instance:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the placing of information signage (stickers/vinyls) relating to Eircom Limited, trading as *eir*, on an existing Eircom telecommunications cabinet approximately 50 metres north-west of “The Valley Inn” (off R132), Mullary Manor, Dunleer, County Louth is development and is exempted development.

